



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

JUL 23 2014

MEMORANDUM FOR SECRETARY OF THE ARMY

SUBJECT: Army Education Advisory Committee – Charter Renewal and Membership Balance Plan Approval

The charter renewal (TAB A) and the membership balance plan (TAB B) for the Army Education Advisory Committee (“the Committee”) are approved. A copy of the Committee’s charter and membership balance plan will be provided to the Committee’s Designated Federal Officer (DFO) once the Advisory Committee Management Officer (ACMO) files the charter with the Congressional oversight committees, the Library of Congress, and the General Services Administration.

As part of the charter renewal process, this office, in consultation with the Office of General Counsel of the Department of Defense (OGC DoD), has affirmed that all individuals appointed to the Committee, once approved by the Deputy Secretary of Defense, shall be appointed to serve as special government employee (SGE) or regular government employee (RGE) members, as appropriate. The following points apply:


- (a) Individual members approved for appointment or renewal by the Deputy Secretary of Defense, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Those who are full-time or permanent part-time Federal officers or employees shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members.
- (b) Each member shall be notified, in writing, of the Deputy Secretary of Defense approval decision. In preparing your appointment or renewal of appointment letters, the Committee’s DFO should consult the ACMO and OGC DoD, to include the Standards of Conduct Office. At a minimum, the letters shall contain the following:
 - i. Notice that each individual’s appointment to serve on the Committee is without compensation, with the exception of reimbursement of official Committee-related travel and per diem.
 - ii. A statement that each individual is appointed to serve as a SGE or RGE member, as appropriate.
 - iii. An explanation of the difference between serving as SGE and representative members.
 - iv. A summary of the applicable ethics requirements, to include whether SGE members are required to file a Confidential Financial Disclosure Report.

As the Committee's DoD Sponsor, you are responsible for:

- (a) Ensuring that the Committee's DFO attends all Committee and subcommittee meetings for the entire duration of each and every meeting.
- (b) Ensuring that the DFO and the Committee fully comply with all governing Federal statutes and regulations, DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," and policy decisions by the Secretary of Defense or the Director of Administration and Management.
- (c) Ensuring that all work done by the Committee and its subcommittees is based upon written tasks or terms of reference assigned to the Committee by the Secretary of Defense, the Deputy Secretary of Defense, or you, as the DoD Sponsor. All tasks or terms of reference are subject to public review and, at a minimum, shall include:
 - i. A description of the problem or policy to be analyzed and the DoD decision maker for the matter(s) under consideration.
 - ii. Authority for the members of the Committee or its subcommittees to access DoD officials and DoD data that is pertinent to the matter(s) under consideration.
 - iii. A budget limitation under which the Committee or its subcommittees must operate.
 - iv. A date by which the Committee must submit its written conclusions (advice and recommendations) to the DoD decision maker.
- (d) Providing adequate support to the Committee and its subcommittees, and ensuring that the Committee and its subcommittees are not unduly or inappropriately influenced by Federal employees or any special interest group.
- (e) Ensuring that all visits to DoD installations or facilities by members of the Committee and its subcommittees are done in consultation with the Secretary of the Military Departments or the Chairman of the Joint Chiefs of Staff, as appropriate.
- (f) Ensuring that all members of the Committee and its subcommittees are appointed according to DoD policies and procedures. No member will participate in any work by the Committee or its subcommittees until all of the following have been completed: the member completes and submits to DoD all personnel and ethics paperwork required for his or her appointment; the appropriate DoD offices process the individual's personnel and ethics paperwork; and the individual takes the oath of office for his or her appointment.
- (g) Ensuring that all DoD and other Federal Agency documents provided to the Committee or its subcommittees are properly marked according to governing statutes, regulations, and DoD policies and procedures.
- (h) Monitoring the implementation status of any recommendation adopted by the DoD and ensuring that this information is available for future inquiries.

Based on the Secretary of Defense's memorandum of October 9, 2012, concerning advisory committees, we recommend you continually reevaluate the Committee's functions and reduce, where appropriate, the Committee's operating costs. As the Secretary indicated, we must continually assess our advisory committees to ensure that they deliver appropriate value today and in the future as times and requirements change.

If you should have any questions about this DoD Program, the Federal governance and compliance requirements, the charter renewal, or the membership balance plan, please contact the ACMO, Mr. Jim Freeman, at 703-692-5952 or by email at james.d.freeman4.civ@mail.mil.



Michael L. Rhodes
Director

Attachments:
As stated

cc:
Office of General Counsel of the Department of Defense
Special Assistant to the Secretary of Defense (White House Liaison)

A

Charter
Army Education Advisory Committee

1. Committee's Official Designation: The committee shall be known as the Army Education Advisory Committee ("the Committee").
2. Authority: The Secretary of Defense, in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Committee.
3. Objectives and Scope of Activities: The Committee shall provide independent advice and recommendations on matters relating to U.S. Army educational matters, as set out in (4) below.
4. Description of Duties: The Committee will focus on matters pertaining to the educational, doctrinal, and research policies and activities of the U.S. Army's educational programs, to include the U.S. Army's joint professional military education programs. The Committee will assess and provide independent advice and recommendations across the spectrum of educational policies, school curricula, educational philosophy and objectives, program effectiveness, facilities, staff and faculty, instructional methods, and other aspects of the organization and management of these programs. In addition, the Committee shall provide independent advice and recommendations on matters pertaining to the Army Historical Program and the role and mission of the U.S. Army Center of Military History, particularly as they pertain to the study and use of military history in Army schools.
5. Agency or Official to Whom the Committee Reports: The Committee shall report to the Secretary of Defense or the Deputy Secretary of Defense, through the Secretary of the Army and the Chief of Staff of the U.S. Army. The Secretary of the Army, pursuant to Department of Defense (DoD) policy, may act upon the Committee's advice and recommendations.
6. Support: The Department of Defense (DoD), through the Department of the Army and United States Army Training and Doctrine Command (TRADOC), shall provide support, as deemed necessary, for the performance of the Committee's functions and shall ensure compliance with the requirements of the FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended) ("the Sunshine Act"), governing Federal statutes and regulations, and established DoD policies and procedures.
7. Estimated Annual Operating Costs and Staff Years: The estimated annual operating cost, to include travel, meeting, and contract support, is approximately \$400,000.00 and 2.7 full-time equivalents (FTE).
8. Designated Federal Officer (DFO): The Committee's Designated Federal Officer (DFO) shall be a full-time or permanent part-time DoD employee who shall be appointed in accordance with governing DoD policies and procedures.

The Committee's DFO is required to be in attendance at all meetings of the Committee and any of its subcommittees for the entire duration of each and every meeting. However, in the absence of the Committee's DFO, a properly approved Alternate DFO, duly appointed to the Committee according to established DoD policies and procedures, shall attend the entire duration of all meetings of the Committee and its subcommittees.

The DFO, or Alternate DFO, shall call all meetings of the Committee and its subcommittees; prepare and approve all meeting agendas; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest or required by governing regulations or DoD policies and procedures.

9. Estimated Number and Frequency of Meetings: The Committee shall meet at the call of the Committee's DFO, in consultation with the Chair. The estimated number of Committee meetings is two per year.
10. Duration: The need for this advisory function is on a continuing basis; however, this charter is subject to renewal every two years.
11. Termination: The Committee shall terminate upon completion of its mission or two years from the date this charter is filed, whichever is sooner, unless the Secretary of Defense or designee renews it.
12. Membership and Designation: The Committee shall be comprised of not more than 15 members. The membership shall include not more than 13 individuals who are eminent authorities in the fields of defense, management, leadership, and academia, including those who are deemed to be historical scholars; the Chief Historian of the Army, U.S. Army, Center of Military History; and the Assistant Deputy Chief of Staff, G-3/5/7 for U.S. Army Training and Doctrine Command, who shall serve as a non-voting member of the Committee. The members shall be appointed by the Secretary of Defense or the Deputy Secretary of Defense and subject to annual renewals.

Committee members shall serve a term of service of one-to-four years, but no member may serve more than two consecutive terms of service without approval from the Secretary of Defense or the Deputy Secretary of Defense.

Committee members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time Federal employees, shall be appointed as experts or consultants pursuant to 5 U.S.C. § 3109, to serve as special government employee (SGE) members. Those individuals serving on the Committee who are full-time or permanent part-time Federal employees shall be appointed to serve as regular government employee (RGE) members pursuant to 41 C.F.R. § 102-3.130(a).

The Secretary of the Army is delegated the authority to appoint the Chair and Vice Chair of the Committee for a three-year period with annual renewals, not to exceed the member's approved term of service, from among the approved Committee membership. The Secretary of the Army may re-delegate this authority in writing.

The Secretary of the Army, pursuant to DoD policies and procedures, may appoint non-voting subject matter experts to assist the Committee or its subcommittees on an ad-hoc basis. These non-voting subject matter experts are not members of the Committee or its subcommittees, will not engage or participate in any deliberations by the Board or its subcommittees, and do not have the ability to vote as members of the Board or its subcommittees. These non-voting subject matter experts, if not full-time or permanent part-time Federal employees, will be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGEs, whose appointments must be renewed on an annual basis.

With the exception of reimbursement for official Committee-related travel and per diem, Committee members and any non-voting subject matter experts shall serve without compensation.

13. Subcommittees: The DoD, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Committee. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army, as the DoD Sponsor.

Such subcommittees shall not work independently of the Committee and shall report all of their recommendations and advice solely to the Committee for full and open deliberation and discussion. Subcommittees, task forces, or working groups have no authority to make decisions and recommendations, verbally or in writing, on behalf of the Committee. No subcommittee or any of its members can update or report, verbally or in writing, on behalf of the Committee, directly to the DoD or any Federal officer or employee.

The Committee shall establish and maintain four permanent subcommittees as described immediately below.

- a. The United States Army War College Board of Visitors subcommittee shall be comprised of no more than 12 members who are eminent authorities in the fields of defense, management, leadership, and academia, and shall focus primarily on the United States Army War College. The estimated number of meetings is 2 per year.
- b. The Command and General Staff College Board of Visitors subcommittee shall be comprised of no more than 12 members who are eminent authorities in the fields of defense, management, leadership, and academia, and shall focus primarily on the Command and General Staff College. The estimated number of meetings is 1 per year.
- c. The Defense Language Institute Foreign Language Center Board of Visitors shall be comprised of no more than 12 members who are eminent authorities in the fields of defense, management, leadership, and academia, and shall focus primarily on the Defense Language Institute Foreign Language Center. The estimated number of meetings is 2 per year.

- d. The Department of the Army Historical Advisory Subcommittee shall be comprised of no more than 12 members: six members from academia who are deemed to be historical scholars and the following six *ex officio* members:
1. Dean of the Academic Board, U.S. Military Academy
 2. Deputy Commanding General, U.S. Army Training and Doctrine Command
 3. Deputy Commandant, U.S. Army War College
 4. Deputy Commandant, U.S. Army Command and General Staff College
 5. Deputy Administrative Assistant to the Secretary of the Army
 6. Chief Historian of the Army, U.S. Army, Center of Military History

The Department of the Army Historical Advisory Subcommittee shall focus primarily on (1) the conformity of the Army's historical work and methods with professional standards, (2) ways to increase cooperation between the historical and military professions in advancing the purpose of the Army Historical Program, (3) approval of the annual Army Historical Program report, and (4) the furtherance of the mission of the U.S. Army Center of Military History to promote the study and use of military history in both civilian and military schools. The estimated number of meetings is 1 per year.

Subcommittee members, if not full-time or permanent part-time Federal employees, will be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members, whose appointments must be renewed on an annual basis. Those individuals who are full-time or permanent part-time Federal employees shall be appointed to serve as RGE members, pursuant to 41 C.F.R. § 102-3.130(a). With the exception of reimbursement of official travel and per diem related to the Committee or its subcommittees, subcommittee members shall serve without compensation.

The Secretary of Defense or the Deputy Secretary of Defense shall appoint subcommittee members to a term of service of one-to-four years, even if the member in question is a member of the Committee. Subcommittee members shall not serve more than two consecutive terms of service unless authorized by the Secretary of Defense or the Deputy Secretary of Defense.

All subcommittees operate under the provisions of FACA, the Sunshine Act, governing Federal statutes and regulations, and established DoD policies and procedures.

14. Recordkeeping: The records of the Committee and its subcommittees shall be handled according to section 2, General Records Schedule 26 and governing DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552).
15. Filing Date:

B

Membership Balance Plan
Army Education Advisory Committee

Agency: Department of Defense

1. **Authority:** The Secretary of Defense, in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(d), established the Army Education Advisory Committee (“the Committee”).
2. **Mission/Function:** The Committee will provide independent advice and recommendations to the Secretary of Defense or the Deputy Secretary of Defense, through the Secretary of the Army and the Chief of Staff of the U.S. Army, on matters relating to U.S. Army educational matters. Specifically, the Committee will focus on matters pertaining to the educational, doctrinal, and research policies and activities of the U.S. Army’s educational programs, to include the U.S. Army’s joint professional military education programs. The Committee will assess and provide independent advice and recommendations across the spectrum of educational policies, school curricula, educational philosophy and objectives, program effectiveness, facilities, staff and faculty, instructional methods, and other aspects of the organization and management of these programs. In addition, the Committee shall provide independent advice and recommendations on matters pertaining to the Army Historical Program and the role and mission of the U.S. Army Center of Military History, particularly as they pertain to the study and use of military history in Army schools.
3. **Points of View:** The Committee shall be comprised of not more than 15 members and shall include not more than 13 individuals who are eminent authorities in the fields of defense, management, leadership, and academia, including those who are deemed to be historical scholars; the Chief Historian of the Army, U.S. Army, Center of Military History; and the Assistant Deputy Chief of Staff, G-3/5/7 for U.S. Army Training and Doctrine Command, who shall serve as a non-voting member of the Committee. Membership shall be fairly balanced in terms of points of view represented and the functions to be performed by the Committee.

The Department of Defense (DoD), in selecting potential candidates for the Committee, reviews the educational, experiential, and professional credentials of individuals and bases its selection on this review and the subject matter expected to be handled by the Committee. The Department has found that viewing the complex issues facing the DoD through a multi-disciplinary advisory committee provides the Department and, more importantly, the American public with a broader understanding of the issues on which to base subsequent policy decisions. Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Committee, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest.

The Committee’s membership balance is not static and the Secretary of Defense or the Deputy Secretary of Defense may change the membership based upon work assigned to the Committee by the Secretary of Defense, the Deputy Secretary of Defense, or the Secretary of the Army as the Committee’s sponsor. In addition, the Department, unless otherwise required by statute or

Presidential directive, does not use representative members on DoD established or supported advisory committees.

Committee members appointed by the Secretary of Defense or the Deputy Secretary of Defense, who are not full-time permanent part-time Federal employees, shall be appointed as experts or consultants under the authority of 5 U.S.C § 3109 to serve as special government employee (SGE) members. Those individuals who are full-time or permanent part-time Federal employees shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. The appointments of Committee members shall be renewed on an annual basis by the Secretary of Defense.

4. **Other Balance Factors:** N/A
5. **Candidate Identification Process:** The Department of the Army, in selecting potential candidates, reviews the educational and professional credentials of all individuals to ensure they are pre-eminent in one or more fields of defense, management, leadership, and academia, including historical scholars. Potential candidates may be identified by current Committee members, subcommittee members, and by Army and DoD leadership.

Potential candidates are assessed by the Executive Director/Designated Federal Officer and the Committee Chair. The list of candidates is narrowed down to attain a balance between experience and qualification credentials, expertise, and the subject matter anticipated to be reviewed by the Committee. Prospective candidates are then reviewed by U.S. Army Training and Doctrine Command senior leadership and by the Assistant Secretary of the Army for Manpower and Reserve Affairs prior to submission to the Secretary of the Army. The Secretary of the Army evaluates potential candidates to ensure the Committee achieves a balance between education, profession, and overall expertise necessary and appropriate for tasks before the Committee.

Prior to nominating the potential candidates, the list of candidates will undergo a review by the DoD Office of General Counsel and the Office of the Advisory Committee Management Officer to ensure compliance with Federal and DoD governance requirements, including compliance with the Committee's charter and membership balance plan. Concurrently, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members. The Secretary of the Army then formally nominates the potential candidates to the Secretary of Defense for approval. Pursuant to DoD policy, only the Secretary of Defense or the Deputy Secretary of Defense can invite or approve the appointment of individuals to advisory committees established or supported by the DoD.

The Secretary of Defense or the Deputy Secretary of Defense may approve the appointment of Committee members for a term of one-to-four years, but no member may serve more than two consecutive terms of service without approval from the Secretary of Defense or the Deputy Secretary of Defense. The same term of service limitations also apply to any DoD authorized subcommittees.

Committee and subcommittee member vacancies will be filled in the same manner as described in the previous four paragraphs above.

6. **Subcommittee Balance:** The Department, when necessary and consistent with the Committee's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Committee.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members, and these individuals may come from the parent committee or may be new nominees, as recommended by the Committee's sponsor and based upon the matters under consideration.

The Committee currently has four permanent subcommittees: the United States Army War College Board of Visitors, the Command and General Staff College Board of Visitors, the Defense Language Institute Foreign Language Center Board of Visitors, and the Department of the Army Historical Advisory Subcommittee.

The members of the United States Army War College Board of Visitors, the Command and General Staff College Board of Visitors, and the Defense Language Institute Foreign Language Center Board of Visitors subcommittees shall be eminent authorities in the fields of defense, management, leadership, and academia. The members of the Department of the Army Historical Advisory Subcommittee shall be comprised of eminent authorities in the field of academia who are deemed to be historical scholars and the following *ex officio* members:

1. Dean of the Academic Board, U.S. Military Academy
2. Deputy Commanding General, U.S. Army Training and Doctrine Command
3. Deputy Commandant, U.S. Army War College
4. Deputy Commandant, U.S. Army Command and General Staff College
5. Deputy Administrative Assistant to the Secretary of the Army
6. Chief Historian of the Army, U.S. Army, Center of Military History

Subcommittee members, who are not full-time or permanent part-time Federal employees, shall be appointed as experts or consultants, pursuant to 5 U.S.C. § 3109, to serve as SGE members. Individuals who are full-time or permanent part-time Federal employees shall be appointed, pursuant to 41 C.F.R. § 102-3.130(a), to serve as RGE members. No subcommittee member may serve more than two consecutive terms of service without Secretary of Defense or Deputy Secretary of Defense approval.

7. **Other:** As nominees are considered for appointment to the Committee, the DoD adheres to the Office of Management and Budget's Final Guidance on Appointment of Lobbyists to Federal Boards and Commissions (76 FR 61756; October 5, 2011) and the rules and regulations issued by the Office of Government Ethics.
8. **Prepared:**